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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,320	11/14/2003	Yigal Froman	1506-315	2711

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INSKEEP INTELLECTUAL PROPERTY GROUP, INC
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EXAMINER

KASENGE, CHARLES R

ART UNIT PAPER NUMBER

2125

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/714,320	Applicant(s) FROMAN ET AL.	
	Examiner Charles R. Kasenge	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-11 and 13-22 is/are rejected.
- 7) ☒ Claim(s) 8 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/11/06, 6/23/05</u> | 6) <input checked="" type="checkbox"/> Other: <u>IDS cont.: 1/26/04, 11/14/03</u> |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – .

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9-11 and 13-22 are rejected under 35 U.S.C. 102(b) as being anticipated by McGivern et al. U.S. Patent 5,748,466. Regarding claim 1, McGivern discloses an electronic irrigation controller comprising: a controller housing (Fig. 2); a microprocessor disposed on said controller housing (col. 5, lines 56-66); an input device operable to selectively change an irrigation control mode of said microprocessor (col. 4, lines 13-22 and 36-50); a first electronic display having energizable indicia corresponding to each selected irrigation control mode of said input device (col. 11, lines 19-27; Fig. 3, #96); a second electronic display having energizable indicia corresponding to programming information for each irrigation control mode indicated on said first electronic display (col. 4, lines 24-35; Fig. 3, #94) and, said energizable indicia of said first electronic display being the sole visual indicator of said selected irrigation control mode of said input device (Fig. 3, #96). The Examiner interprets McGivern's various programs that can be selected as "control modes" (col. 11, lines 19-27). McGivern's multiple parameters shown on the screen is interpreted by the Examiner as multiple displays (Fig. 3, #90, 92, 94, 96, 98, 100, 102 and 104). McGivern justifies this interpretation by disclosing segmenting the screen into display blocks (col. 4, lines 30-35), thus teaching multiple electronic displays.

Regarding claims 2-7, McGivern discloses the irrigation controller of claim 1, wherein said second electronic display is a virtual dial (Fig. 3, #94, 114, 115). The Examiner interprets the L.E.D. symbol (Fig. 3, #94) as simulating the indicator of the dial and the key buttons (Fig. 3, #114 and 116) simulating the knob of the dial. Together they act as a virtual dial. McGivern discloses the irrigation controller of claim 1 wherein said second electronic display further includes energizable indicia corresponding to a plurality of irrigation programs programmable by said controller (Fig. 3, #94). McGivern discloses the irrigation controller of claim 1, wherein said second electronic display is a liquid crystal display (col. 4, lines 23-26) or comprises multiple L.E.D.s (col. 4, lines 28-30). McGivern discloses the irrigation controller of claim 1, wherein said controller housing includes control text proximately applied to said second electronic display; said control text conveying each available irrigation control mode (col. 10, lines 15-28; Fig. 3, #98). McGivern discloses the irrigation controller of claim 1, wherein said controller housing has a front surface that is substantially flat (Fig. 2).

Regarding claim 9-11, 13 and 14, McGivern discloses an irrigation controller comprising; a programmable processing unit operable to execute an irrigation program (col. 5, lines 24-30 and 56-66); an input surface connected to said processing unit, said input surface operable to cause a change in a control state of said processing unit (col. 4, lines 13-22); an electronic display operatively connected to said processing unit and said input surface so as to display a current control state of said processing unit (Fig. 3, #66); and, said electronic display being sized and shaped to simulate a mechanical rotary dial on a face of said controller (Fig. 2, #80). The Examiner interprets the control panel as the electronic display (Fig. 3, #66). McGivern's keypad is part of the display and is sized/shaped similar to a dial (Fig. 2, #80). The combination of the

Art Unit: 2125

keypad and screen (Fig. 3, #68) simulate the functionality of a mechanical rotary dial. McGivern discloses the irrigation controller of claim 9, wherein said input surface is a push button (col. 4, lines 36-50). McGivern discloses the irrigation controller of claim 9, wherein said electronic display is a liquid crystal display (col. 4, lines 23-26). McGivern discloses the irrigation controller of claim 10, wherein said electronic display includes energizable indicia corresponding to each of a possible control state of said processing unit (Fig. 3, #96). McGivern discloses the irrigation controller of claim 10 wherein said electronic display includes energizable indicia corresponding to each of a plurality of programmable irrigation programs (Fig. 3, #94).

Regarding claim 15, McGivern discloses a method of programming an irrigation system comprising; providing an electronic irrigation controller having an electronic display with energizable indicia corresponding to a selected control state and to a selected watering program of said controller (col. 11, lines 19-27; Fig. 3, #96); selecting a first watering program for programming; observing the selection of said first watering program in said electronic display; electronically selecting a first control state of said controller and observing corresponding energized indicia in said electronic display (Fig. 3, #90) inputting program parameters corresponding to said selected first control state into said controller (col. 10, lines 3-14); electronically selecting a second control state of said controller and observing corresponding energized indicia in said electronic display (Fig. 3, #94); inputting program parameters corresponding to said selected second control state into said controller (col. 10, lines 29-41) continuing the selecting of control states and the inputting of program parameters until programming of said first watering program is substantially complete (col. 10, lines 61-67).

Regarding claims 16-19, McGivern discloses a method according to claim 15, further comprising the selecting of a second watering program for programming wherein said selecting of said second watering program automatically entails the selection of said first control state for said second watering program (col. 9, lines 52-61). McGivern teaches that the programs can be stored and are user-defined, so having the first control state for the second watering program can easily be accomplished if the user wanted the second program to have the same start time/zone/runtime/etc. McGivern discloses a method according to claim 16, wherein the selecting of said second watering program and the automatic selection of said first control state for said second watering program includes observing corresponding energized indicia in said electronic display (Fig. 3, #90, 92, 94). McGivern discloses a method according to claim 15, wherein the selected first control state is the state governing a run time of each irrigation station of said first watering program (col. 10, lines 3-14 and 31-41). McGivern discloses a method according to claim 16, wherein the first control state is the state governing a run time of each irrigation station (col. 10, lines 3-14 and 31-41).

Regarding claims 20-22, McGivern discloses a method according to claim 15, wherein the observing of said energizable indicia includes observing energized portions of a display that simulates a mechanical dial (see claim 15 rejection). McGivern discloses a method according to claim 20, wherein the observing of said energizable indicia includes observing energized portions of a liquid crystal display (col. 4, lines 23-26). McGivern discloses a method according to claim 20, wherein the observing of said energizable indicia includes observing energized L.E.D.'S (col. 4, lines 28-30).

Allowable Subject Matter

3. Claims 8 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CK

Application/Control Number: 10/714,320

Art Unit: 2125

July 27, 2006

Page 7

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